

Remarks

Claims 1-21 are pending in the present application. Claims 1-20 are rejected under 35 U.S.C. 112. second paragraph.

Claims 9 and 21 are cancelled.

Independent claims 1 and 17 are amended to further define microfine powder as "comprising particles such that 80% or more of the particles range in size from about 10 up to about 500 microns." This amendment amounts to incorporating the limitations of claim 21 which was only objected to into claims 1 and 17. In a conversation with the Examiner, it was clear that claim 21 was objected to and would be allowable if rewritten in independent form.

Claim 10 is amended to depend from claim 8.

No new matter is added by these amendments.

1. Information Disclosure Statement

Pursuant to M.P.E.P §706.02(c), the Applicant has provided information regarding Equistar Chemicals' commercialization of the Microthene product line of polyolefin powders and the Plexar line of chemically modified resins. Moreover, Applicant discloses that Equistar Chemicals, LP also sells the Integrate lines of chemically modified polyolefins. For the convenience of the Examiner, Applicant has provided exemplary examples of current related product lines. There is no intention that these datasheet be included on an Information Disclosure Statement. However, as permitted by M.P.E.P §706.02(c) the Applicant requests indication acknowledging Equistar's prior sale of these product lines.

2. Claim Rejections Under 35 U.S.C. Second Paragraph

Claims 1-20 are rejected under 35 U.S.C. 112. second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

As set forth above, claims 1 and 17 are amended to further define microfine powder as "comprising particles such that 80% or more of the particles range in size from about 10 up to about 500 microns." This amendment amounts to incorporating the limitations of claim 21 which is indicated as being allowable. Applicant makes this amendment to advance prosecution and in no way concedes to the Examiner's position regarding the meaning of microfine. Applicant reserves the right to pursue the subject matter of unamended claims 1 and 17 in a continuing application.

Accordingly, amended independent claims 1 and 17 are now allowable over 35 U.S.C. §112 second paragraph along with dependent claims 2-8 and 10-16 and 18-20. Applicant respectfully requests notice to that effect.

3. Claim objection under 37 CFR 1.75(c)

Claims 9-14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 10 is amended to depend from claim 8. Claim 9 is cancelled. These amendments eliminate claim 9 which described the polyolefin as grafted. Accordingly, claims 10-14 are now allowable over 37 CFR 1.75(c).

4. Claim rejection under 35 U.S.C. § 102/103

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wood et al. (US2004/0110901).

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Toshiki et al. (JP 03*273076).

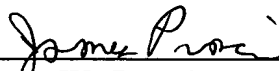
As set forth above, Applicant amends independent claims 1 and 17 to state “the microfine polymer powder the microfine polymer powder comprising particles such that 80% or more of the particles range in size from about 10 up to about 500 microns.” This amendment incorporates the limitations of claim 21 which is allowable. Claim 16 depends from claim 1. Accordingly, claims 16 and 17 are also now allowable under 35 U.S.C. 102/103.

Conclusion

Applicants have made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Respectfully submitted,

Bradley P. Etherton

By 
James W. Proscia
Reg. No. 47,010
Attorney/Agent for Applicants

Date: August 29, 2005

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351